IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 620/2005

(Gopal Lal Vs. State of Rajasthan)

Date of Order :::: 20.11.2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Umesh Shrimali, for the petitioner
Mr. Ashok Upadhyaya, PP

BY THE COURT:

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the order impugned dated 15.2.2005 passed by Additional Chief Judicial Magistrate, No.2, Chittorgarh (for short 'the trial court' hereinafter) whereby on the basis of the material placed before it, prima case came to the conclusion that there is ground to presume that the petitioner committed the offence under Sections 420 and 406 IPC and held that there is enough ground to frame the charge for those offences.

The petitioner has challenged the order by way of criminal misc. petition under Sec. 482 Cr.P.C. The order framing charge is a final order and is revisable under Section 397/401

Cr.P.C. Therefore, the petition is not maintainable. However, the learned counsel for the petitioner submits that the petitioner may be permitted to challenge the order impugned by way of filing a revision petition.

The criminal misc. petition is, therefore, dismissed as not maintainable with the liberty sought for. Ad interim stay order dated 1.8.2005 stands vacated. Stay petition also stands dismissed.

(H.R.PANWAR)J.

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